PART —IV

Section—2-C (i)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUION.

GENERAL ADMINISTRATION SECRETARIAT

GOVERNMENT OF KARNATAKA

NOTIFICATION

Bangalore, dated the 12th December 1973.

G.S.R. 14. In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Karnataka hereby makes the following rules further to amend the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957, namely :—

1. Title and commencement.—(1) These rules may be called the Karnataka Civil Services (Classification, Control and Appeal (Third Amendment) Rules, 1973.

(2) They shall come into force on the date of their publication in the official Gazette.

2. Amendment of rule 2.—In rule 2 of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 (hereinafter referred to as the principal rules), in clause (e), the words "acting on the advice of the council of Ministers", shall be omitted.

3. Amendment of Rule 8.—In rule 8 of the principal rules,—

(1) for the words "The following penalties" the words "One or more of the following penalties" shall be substituted ;

(2) for clause (iii), the following clauses shall be substituted, namely :—

(iii) " withholding of increments ;

(iii-a) withholding of promotion ; "

(3) after clause (iv), the following clause shall be inserted, namely :—

" (iv-a) reduction to a lower stage in the time-scale of pay for specified period with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay ; "

(4) for clause (v), the following clause shall be substituted, namely :—

" (v) reduction to a lower time scale of pay, grade, post or service which shall, unless otherwise directed, be a bar to the promotion of the Government servant to the time-scale of pay, grade, post or service from which he was reduced, with or without further directions, regardinig—

(a) seniority and pay in the scale of pay, grade, post or service to which the Government servant is reduced.

(b) conditions of restoration to the scale of pay, grade or post or service from which the Government servant was reduced and his seniority and pay on such restoration to that scale of pay, grade, post or service ; "

(5) The Explanation occurring immediately after the previso to clause (viii) shall be numbered as Explanation 1 and the Explanation occurring immediately after the Explanation 1 as so numbered shall be numbered as Explanation 2 and in clause (vii) of the Explanation 2 as

so numbered for item (b) the following items shall be substituted, namely:—

"(b) of a Government servant appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation; or

(c) of a temporary Government servant in accordance with the provisions of sub-rule (1) of rule 5 of the Karnataka State Civil Services (Temporary Services) Rules, 1967;"

4. Amendment of rule 9.—In sub-rule (2) of rule 9 of the principal rules,—

(1) clause (a) shall be omitted;

(2) in clause (aa), for the brackets, figures and word "(iii) and (iv)" the brackets, figures, letters and word "(iii), (iiia), (iv) and (iva)" shall be substituted;

(3) in clause (bb), for the brackets, figures and word "(ii) and (iii)" the brackets, figures, word and letter (ii), (iii) and (iiia))" shall be subsituted.

5. Amendment of rule 10.—In rule 10 of the principal rules—

(1) for sub-rule (2) the following sub-rule shall be substituted, namely:—

"(2) A Government servant shall be deemed to have been placed under suspension by an order of appointing authority—

(a) with effect from the date of his detention, if he is detained in custody, whether on a criminanl charge or otherwiise, for a period exceeding fortyeight hours;

(b) with effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Explanation.—The period of forty-eight hours referred to in clause (b) of this sub-rule shall be computed from the commencemnt of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment if any, shall be taken into account."

(2) for such-rule (5) the following sub-rule shall be substituted, namely :—

"(5) (a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where a Government servant is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension, may, for reasons to be recorded by him in writing, direct that the Government servant shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An Order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate".

6. Insertion of new rule 10A.—After rule 10 of the principal rules, the following rule shall be inserted, namely:—

"**10-A. Authority to institute proceedings.**—(1) The Governor or any other authority empowered by him by general or special order may.—

(a) institute disciplinary proceedings against any Government servant;

(b) direct a disciplinary authority to institute disciplinary proceedings against any Government servant on whom that Disciplinary Authority is competent to impose under these rules any of the penalties specified in rule 8.—

(2) A Disciplinary Authority competent under these rules to impose any of the penalties specified in clauses (i) to (iva) of rule 8 may institute disciplinary proceedings against any Government servant for the imposition of any of the penalties specified in clauses (v) to (viii) of rule 8 notwithstannding that such disciplinary authority is not competent under these rules to impose any of the latter penalties ".

7. Substitution of new rules for rule 11 and 12.—For rules 11 and 12 of the principal rules, the following rules shall be substituted, namely:—

"**11. Procedure for imposing major penalties.**—(1) No order imposing any of the penalties specified in clauses (v) to (viii) of rule 8 shall be made except after an inquiry held, as far as may be, in the manner provided in this rule and rule 11 A.

(2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government servant. it may itself inquire into, or appoint under this rule an authority to inquire into the truth thereof.

Explanation.—Where the Disciplinary Authority itself holds the inquiry, any reference is sub-rule (7) to sub-rule

(20) and in sub-rule, (22), to the Inquiring Authority shall be constructed as a reference to the Disciplinary Authority.

(3) Where it is proposed to hold an inquiry against a Government servant under this rule and rule 11-A, the Disciplinary Authority shall draw up or cause to be drawn up,—

(i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge;

(ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain,—

(a) a statement of all relevant facts including any admission or confession made by the Government servant;

(b) a list of documents by which, and list of witnesses by whom, the articles of charge are proposed to be sustained.

(4) The Disciplinary Authority shall deliver or cause to be delivered to the Government servant a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charges is proposed to be sustained and shall require the Government servant to submit, with in such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.

(5) (a) On receipt of the written statement of defence the Disciplinary Authority may itself inquire into such of the articles of charge as are not admitted, or, if it considers it necessary so to do, appoint, under sub-rule (2), an Inquiring Authority for the purpose, and where all the articles of charge have been admitted by the Government servant in his written statement of defence, the Disciplinary Authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in rule 11-A.

(b) If no written statement of defence is submitted by the Government servant, the Disciplinary Authority may itself inquire into the articles of charge or may, if it considers it necessary to do so, appoint, under sub-rule (2) an Inquiring Authority for the purpose.

(c) Where the Disciplinary Authority itself inquires into any article of charge or appoints an Inquiring Authority for holding an inquiry into such charge, it may, by an order, appoint a Government servant or a legal practitioner to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.

(6) The Disciplinary Authority shall, where it is not the Inquiring Authority, forward to the Inquiring Authority

(i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour;

(ii) a copy of the written statement of defence, if any, submitted by the Government servant;

(iii) a copy of the statements of witnesses, if any, referred to in sub-rule (3);

(iv) evidence proving the delivery of the documents referred to in sub-rule (3) to the Government servant; and

(v) a copy of the order appointing the "Presenting Officer".

(7) The Government servant shall appear in person before the Inquiring Authority on such day and at such time within ten working days from the date of receipt by him of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the Inquiring Authority may, by a notice in writing, specify in this behalf, or within such further time, not exceeding ten days, as the Inquiring Authority may allow.

(8) The Government servant may take the assistance of any other Government servant to present the case on

his behalf, but may not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the Disciplinary Authority is a legal practitioner, or, the Disciplinary Authority, having regard to the circumstances of the case, so permits.

(9) If the Government servant who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statemens of defence, appears before the Inquiring Authority, such authority shall ask him whether he is guilty or has any defennce to make and if he pleads guilty to any of the articles of charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the Government servant thereon.

(10) The Inquiring Authority shall return a finding of guilt in respect of those articles of charge to which the Government servant pleads guilty.

(11) The Inquiring Authority shall, if the Government servant fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the Government servant may, for the purpose of preparing his defence:

(i) inspect within five days of the order or within such further time not exceeding five days as the Inquiring Authority may allow, the documents specified in the list referred to in sub-rule (3);

(ii) submit a list of witnesses to be examined on his behalf ;

(iii) apply orally or in writing for the supply of copies of the statement if any, of witnesses mentioned in the list referred to in sub-rule (3), and the Inquiring Authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the Disciplinary Authority ;

(iv) give a notice within ten days of the order or within such further time not exceeding ten days as the Inquiring Authority may allow for the discovery or production of any documents which are in the possession of Government but not mentioned in the list referred to in sub-rule (3) :—

Provided that the Government servant shall indicate the relevance of the documents required by him to be discovered or produced by the Government.

(12) The Inquiring Authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the document by such date as may be specified in such requisition :—

Provided that the Inquiring Authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

(13) On receipt of the requisition referred to in sub-rule (12), every authority having the custody or possession of the requisitioned documents shall produce the same before the Inquiring Authority :—

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of the State, it shall inform the inquiring Authority accordingly and the Inquiring Authority shall, on being so informed, communicate the information to the Government servant and withdraw the requisition made by it for the production or discovery of such documents.

(14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the Disciplinary Authority. The witnesses shall be

examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the Government servant. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the Inquiring Authority. The Inquiring Authority may also put such questions to the witnesses as it thinks fit.

(15) If it shall appear necessary before the close of the case on behalf of the Disciplinary Authority, the Inquiring Authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the Government servant or may itself call for new evidence or recall and re-examine any witness and in such case the Government servant shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The Inquiring Authority shall give the Government servant an opportunity of inspecting such documents before they are taken on the record. The Inquiring Authority may also allow the Government servant to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interests of justice.

Note :—New evidence shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

(16) When the case for the Disciplinary Authority is closed, the Government servant shall be required to state his defence, orally or in writing as he may prefer. If the defence is made orally, it shall be recorded and the Government servant shall be required to sign the record. In either csae a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.

(17) The evidence on behalf of the Government servant shall then be produced. The Government servant may examine himself in his own behalf if he so prefers. The witnesses produced by the Government servant shall then be examined and shall be liable to cross-examination, re-examination and examination by the Inquiring Authority according to the provisions applicable to the witensses for the Disciplinary Authority.

(18) The Inquiring Authority may, after the Government servant closes his case, and shall, if the Government servant has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the Government servant to explain any circumstances appearing in the evidence against him.

(19) The Inquiring Authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed, and the Government servant, or permit them to file written briefs of their respective case, if tehy so desire.

(20) If the Government servant to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of this rule at any stage of the enquiry the Inquiring Authority may hold the inquiry **ex-parte.**

(21) (a) Where a Disciplinary Authority competent to impose any of the penalties specified in clauses (i) to (iva) of ru'e 8 but not competent to impose any of the penalties specified in clauses (v) to (viii) of rule 8, has itself inquired into or caused to be inquired into the articles of any charge and that authority having regard to its own findings or having regard to its decision on any of the findings of any Inquiring Authority appointed by it, is of the opinion that the penalties specified in clauses (v) to (viii) of rule 8 should be imposed on the Government servant, that authority shall forward the records of the inquiry to such Disciplinary

Authority as is competent to impose the last mentioned penalties.

(b) The Disciplinary Authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice, recall the witness and examine, cross-examine and re-examine the witness and may impose on the Government servant such penalty as it may deem fit in accordance with these rules.

(22) Whenever any Inquiring Authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein and is succeeded by another Inquiring Authority which has, and which exercises, such jurisdiction, the Inquiring Authority so succeeding may act on the evidence so recorded by its predecessor or partly recorded by its predecessor and partly recorded by itself :

Provided that if the succeeding Inquiring Authority is of the opinion that further examination of any witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross-examine, and re-examine any such witnesses as herein before provided.

(23) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain—

(a) the articles of charge and the statement of the imputations of misconduct or misbehaviour ;

(b) the defence of the Government servant in respect of each articles of charge ;

(c) an assessment of the evidence in respect of each article of charge.

(d) the findings on each article of charge and the reasons therefor.

Explanation.—If in the opinion of the Inquiring Authority the proceeding of the inquiry establish any article of charge different from the original articles of the charge, it may record its findings on such article of charge,

Provided that the findings on such article of charge shall not be recorded unless the Government servant has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

(ii) The Inquiring Authority, where it is not itself the Disciplinary Authority shall forward to the Disciplinary Authority the records of inquiry which shall include—

(a) the report prepared by it under clause (i);

(b) the written statement of defence, if any submitted by the Government servant;

(c) the oral and documentary evidence produced in the course of the inquiry;

(d) written briefs, if any, filed by the Presenting Officer or the Government servant or both during the course of the inquiry; and

(e) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry.

11-A. **Action on the inquiry report.**—The Disciplinary Authority, if it is not itself the Inquiring Authority may, for reasons to be recorded by it in writing, remit the case to the Inquiring Authority for further inquiry and report and the Inquiring Authority shall thereupon proceed to hold the further inquiry according to the provisions of rule 11 as far as may be.

(2) The Disciplinary Authority shall, if it disagrees with the findings of the Inquiring Authority on any article of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

(3) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clause (i) to (iva) of rule 8 should be imposed on the Government

servant, it shall, notwithstanding anything contained in rule 12, make an order imposing such penalty,

Provided that in every case where it is necessary to consult the commission, the record of the inquiry shall be forwarded by the Disciplinary Authority to the Commission for its advice on the penalties proposed to be imposed on the Government servant and such advice shall be taken into consideration before making any order imposing any penalty on the Government servant.

(4) (i) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge, is of the opinion that any of the penalties specified in clauses (v) to (viii) of rule 8 should be imposed on the Government servant, it shall,—

(a) furnish to the Government servant a copy of the report of the inquiry held by it and its findings on each article of charge, or, where the inquiry has been held by an Inquiring Authority, appointed by it, a copy of the report of such authority and a statement of its findings on each article of charge together with brief reasons for its disagreement, if any, with the findings of the inquiring Authority and where the inquiry is held by the Vigilance Commission under rule 14A, a copy of the findings of the Inquiring Officer with the recommendations of the Vigilance Commissioner, and

(b) give the Government servant a notice stating the penalty proposed to be imposed on him and calling upon him to submit within fifteen days of receipt of the notice or such further time not exceeding fifteen days, as may be allowed, such representation as he may wish to make on the proposed penalty on the basis of the evidence adduced during the inquiry held under rule 11.

(ii) (a) In every case in which it is necessary to consult the Commission, the record of the Inquiry, together with a copy of the notice given under clause (i) and the representation made in pursuance of such notice, if any, shall be forwarded by the Disciplinary Authority to the Commission for its advice on the penalties proposed to be imposed on the Government servant.

(b) The Disciplinary Authority shall after considering the representation, if any, made by the Government servant, and the advice given by the Commission, determine what penalty, if any, should be imposed on the Government servant and make such order as it may deem fit.

(iii) Where it is not necessary to consult the Commission the Disciplinary Authority shall consider the representation, if any, made by the Government servant in pursuance of the notice given to him under clause (i) and determine what penalty, if any, should be imposed on him and make such order as it may deem fit.

12. **Procedure for imposing minor penalties.**—(1) Subject to the provisions of sub-rule (3) of rule 11-A, no order imposing on a Government servant any of the penalties specified in clauses (i) to (iva) of rule 8 shall be made except after,——

(a) informing the Government servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;

(b) holding an inquiry in the manner laid down in sub-rules (3) to (23) of rule 11, in every case in which the Disciplinary Authority is of the opinion that such inquiry is necessary;

(c) taking the representation, if any, submitted by the Government servant under clause (a) and the record of inquiry, if any, held under clause (b) into consideration;

(d) recording a finding on each imputation of misconduct or misbehaviour; and

(e) consulting the Commission where such consultation is necessary.

(2) The record of the proceedings in such cases shall include,—

(i) a copy of the intimation to the Government servant of the proposal to take action against him;

(ii) a copy of the statement of imputations of misconuct or misbehaviour delivered to him;

(iii) his representation, if any;

(iv) the evidence produced during the inquiry;

(v) the advice of the Commission, if any;

(vi) the findings on each imputation of misconduct or misbehaviour; and

(vii) the orders on the case together with the reasons therefor.

12A. Communication of orders.—Orders made by the Disciplinary Authority shall be communicated to the Government servant who shall also be supplied with a copy of the report of the inquiry, if any, held by the Disciplinary Authority and a copy of its findings on each article of charge or, where the Disciplinary Authority is not the Inquiring Authority, a copy of the report of the Inquiring Authority and the statement of the findings of the Disciplinary Authority together with brief reasons for its disagreement, if any, with the findings of the Inquiring Authority (unless they have already been supplied to him) and where the inquiry is held by the Vigilance Commission under rule 14A, a copy of the findings of the Inquiring Officer with the recommendations of the Vigilance Commissioner and

also a copy of the advice, if any, given by the Commission and, where the Disciplinary Authority, has not accepted the advice of the Commission, a brief statement of the reasons for such non-acceptance".

8. Ammendment of rule 13.—In rule 13 of the principal rules,

(1) after sub-rule (1) the following proviso shall be inserted, namely:—

"Provided that if the authorities competent to impose the penalty of dismissal on such Government servants are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others.

(2) in clause (iii) of sub-rule (2) for the word and figures " rule 11 " the words, figures and letter " rules 11 and rule 11A" shall be substituted.

9. Amendment of rule 14.—In rule 14 of the principal rules for the words and figures "rules 11, 12 and 13" the words and figures "rules 11 to 13" shall be substituted.

10. Amendment of rule 14A.—In rule 14A of the principal rules, in sub-rule (1),—

(a) for the words and figures " rules 9, 10, 11 and 13 " the words, letter and figures " rules 9 to 11A and 13 " shall be substituted.

(b) in clause (c) for the words, brackets and figures "sub-rules (2), (3), (4), (5), (6) and (7)" the words, brackets and figures " sub-rule (2) to sub-rule (20) and sub-rule (23)" shall be substituted.

(c) in clause (e) for the words, brackets and figures " sub-rules (9) to (12) of rule 11 " the words, brackets, letter and figures " sub-rule (21) and sub-rule (23) of rule 11 and 11A" shall be substituted.

11. Amendment of rule 15.—In sub-rule (2) of rule 15 of the principal rules.—

(1) in clause (i) for the brackets, figures and words "(i) to (iv)", the brackets, figures, word and letter "(i) to (iva)" shall be substituted:

(2) in clause (ii),—

(a) in the proviso for the words, brackets and figures "sub-rules (10) and (11) of rule 11" the word, figures and letter "rule 11A" shall be substituted;

(b) in the Explanation the following words and figures shall be inserted at the end, namely:—

"as far as may be, in accordance with rule 11".

12. Amendment of rule 16.—In rule 16 of the principal rules, in clause (i) of sub-rule (2), for the brackets, figures and word "(i) to (iv)", the brackets, figures, word and letter "(i) to (iva)" and for the words, brackets and figures "sub-rule (11) of rule 11" the words, brackets, letter and figures "sub-rule (3) of rule 11A" shall be substituted.

13. Substitution of new rule for rule 17.—For rule 17 of the principle rules the following rule shall be substituted, namely:—

"**17. Orders against which no appeal lies.**—Notwithstanding anything contained in this Part, no appeal shall lie against,—

(i) any order made by the Governor;

(ii) any order of an interlocutory nature or of the nature of a step-in-aid for the final disposal of a disciplinary proceeding, other than an order of suspension;

(iii) any order passed by an Inquiring Authority in the course of an inquiry under rule 11"

14. Amendment of rule 18.—In rule 18 of the principal rules,—

(1) in sub-rule (1), in clause (a) the following words shall be inserted at the end, namely :—

"whether made by the Disciplinary Authority or by an Appellate or Reviewing authority"

(2) for sub-rule (5) the following sub-rule shall be substituted, namely :—

"(5) Notwithstanding anything contained in sub-rules (1) to (4),—

(a) where a person who made the order appealed against becomes by virtue of his subsequent appointment or otherwise, the appellate authority in respect of such order, an appeal against such order shall be to the authority to which such person is immediately subordinate;

(b) an appeal against an order in a common proceeding held under rule 13 shall lie to the authority to which the authority functioning as the Disciplinary Authority for the purpose of that proceeding is immediately subordinate".

15. **Amendment of rule 19.**—In sub-rule (2) of rule 19 of the principal rules, for clause (c), the following clauses shall be substituted, namely :—

"(c) reducing or withholding the pension or denying the maximum pension admissible to him under the rules;

(ca) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof;

(cb) determining his pay and allowances,

(i) for the period of suspension, or

(ii) for the period from the date of his dismissal, removal or compulsory retirement from service, or from the date of his reduction to a lower Service, grade, post, time-scale or stage in a time scale of pay, to the date of his reinstatement or restoration to his service, grade or post, or

(cc) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower Service, grade, post, time-scale or pay or stage in a time-scale of pay to the date of his reinstatement or restoration to his service, grade or post shall be treated as a period spent on duty for any purpose, shall lie,—

(i) in the case of an order made in respect of a Government servant on whom the penalty of dismissal from service can be imposed only by the Governor, to the Governor; and

(ii) in the case of an order made in respect of any other Government servant, to the authority to whom an appeal against an order imposing upon him the penalty of dismissal from service would lie ".

16. **Insertion of rules 28A, 28B, 28C and 28D.**—After rule 28 of the principal rules, the folowing rules shall be inserted, namely :—

" 28A.—**Service of orders, notices, etc.**—(1) Every order, notice and other process made or issued under these rules shall be served in person on the Government servant concerned or communicated to him by registered post.

(2) Where the Government servant refuses to receive, or keeps out of the way for the purpose of avoiding the services of, such order, notice, or other process the same may be served by affixing a copy thereof on the notice board of the Office of the Disciplinary Authority or of the Inquiring Authority and upon some conspicuous part of the house, if any, in which he is known to have last resided, or by publication in two daily newspapers having wide circulation in the State.

28B. **Power to relax time-limit and to condone delay.**—Save as otherwise expressly provided in these rules, the authority competent under these rules to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these rules for anything required to be done under these rules or condone any delay.

28C. **Supply of copy of Commission's advice.**—Whenever the Commission is consulted as provided in these rules, a copy of the advice by the Commission and, where such advice has not been accepted, also a brief statement of the reasons for such non-acceptance shall be furnished to the Government Servant concerned along with a copy of the order passed in the case, by the authority making the order.

28D. **Provision regarding members of the Karnataka Judicial Service, etc.**—Notwithstanding anything contained in these rules, references to the Governor or the Government in these rules shall, in so far as they relate to the control over the district courts and courts subordinate thereto by the High Court of Karnataka under article 235 of the Constitution of India, be construed as reference to the High Court of Karnataka.

Provided that nothing in this rule shall affect the powers of the Governor under the Constitution of India in respect of members of the Judicial Service or the right of an appeal which a person may have under the law regulating his conditions of service."

17. **Amendment of Schedule II.**—In Schedule II to the principal rules, in column 4,—

(1) for the brackets, figures and word " (ii) and (iii)" wherever they occur, the brackets, figures, word and letter " (ii) to (iiia) " shall be substituted ;

(2) for the brackets, figures and word "(ii) to (iv)" wherever they occur, the brackets, figures, word and letter "(ii) to (iva)" shall be substituted.

(3) for the brackets, figures and word "(iii) and (iv)" wherever they occur, the brackets, figures, word and latter " (iii) to (iva) " shall be substituted ;

(4) for the brackets and figures "(iv)" wherever they occur the brackets, figures, word and letter " (iv) and (iva)" shall be substituted ;

(5) for the brackets and figures "(iii)" wherever they occur, the brackets, figures, word and letter "(iii) and (iiia)" shall be substituted.

18. **Amendment of Schedule III.**—In Schedule III to the principal rules, in column 4,—

(1) for the brackets, figures and word "(ii) to (iv)" wherever they occur, the brackets, figures, word and letter "(ii) to (iva)" shall be substituted.

(2) for the brackets, figures and word "(iii) and (iv)" wherever they occur, the brackets, figures, word and letter "(iii) to (iva)" shall be substituted.

(3) for the brackets, figures and word "(i) to (iv)" wherever they occur, the brackets, figures, word and letter "(i) to (iva)" shall be substituted.

19. Amendment of the Karnataka Government Servants' (Seniority) Rules, 1957 :–

Rule 7 of the Karnataka Government Servants' (Seniority) Rules, 1957, shall be omitted.

GOVERNOR OF KARNATAKA.

[No. GAD 28 SSR 69]

By Order and in the name of the Governor of Karnataka,

T. M. VASUDEVAN,
Under Secretary to Government,
General Administration Department
(Service Rules)

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